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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/714,812	11/17/2003	Sebastian Jager	JAP0703S	3599
7590 11/21/2005			EXAMINER	
ROBERT W. BECKER & ASSOCIATES			TRIEU, THERESA	
Suite B			ART UNIT	
707 Highway 66 East			PAPER NUMBER	
Tijeras, NM 87059			3748	

DATE MAILED: 11/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

TW

<b>Office Action Summary</b>	Application No. 10/714,812	Applicant(s) JAGER ET AL.	
	Examiner Theresa Trieu	Art Unit 3748	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 2 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 26 September 2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☒ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 14, 16-21 and 27 is/are pending in the application.
- 4a) Of the above claim(s) 15, 22-26 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) \_\_\_\_\_ is/are rejected.
- 7) ☒ Claim(s) 14, 16-21 and 27 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11/17/2003, 6/25/2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) ☐ All    b) ☐ Some \*    c) ☐ None of:  
     1. ☐ Certified copies of the priority documents have been received.  
     2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
     3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
 \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
     Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
     Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

This Office Action is responsive to the applicants' election filed on September 26, 2005.

#### ***Election/Restrictions***

1. Applicants' election with traverse of species of Figs. 1 and 2, claims 14, 16-21 and 27 being readable, in the reply filed on September 26, 2005 is acknowledged. This is not found persuasive because the applicants claim recite several limitations which are mutually exclusive to the different species as noted by the examiner in the Restriction Requirement mailed on August 22, 2005. The search required for any one of the species would not be required for the remaining species. The requirement is still deemed proper and is therefore made FINAL.

This application is in condition for allowance except for the presence of claims 15 and 22-26 to an invention non-elected with traverse in the reply filed on September 26, 2005. Claims 15 and 22-26 should be canceled.

#### ***Drawings***

2. Applicants are required to shade the *lining (6)* with the shading scheme with represents an *elastomeric (rubber)* (see MPEP §608.02). Applicants are required to show clearly the apertures (4, 5) being filled by the material (*elastomeric/rubber*) of the lining (6).

#### ***Claim Objections***

3. The claims 14, 16-21 and 27 are objected to because they include reference characters which are not enclosed within parentheses.

Reference characters corresponding to elements recited in the detailed description of the drawings and used in conjunction with the recitation of the same element or group of elements in

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the claims should be enclosed within parentheses so as to avoid confusion with other numbers or characters which may appear in the claims. See MPEP § 608.01(m).

### ***Prior Art***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure and consists of nine patents: Sackett (U.S. Patent Number 2,700,936), Alcock (U.S. Patent Number 2,862,454), O'Connor (U.S. Patent Number 3,139,035), Berger (U.S. Patent Number 3,300,811), Schlecht (U.S. Patent Number 3,435,772), Underwood et al. (U.S. Patent Number 5,171,139), Knobelspies (Publication Number DE 2,541,779), Agarkov et al. (Publication Number JP 61-180512), and Jaeger (Publication Number DE 4,403,598 ), each further discloses a state of the art.

### ***Conclusion***

This application is in condition for allowance except for the following formal matters: as set forth above.

Prosecution on the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

A shortened statutory period for reply to this action is set to expire **TWO MONTHS** from the mailing date of this letter.

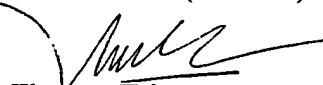
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Theresa Trieu whose telephone number is 571-272-4868. The examiner can normally be reached on Monday-Friday 8:30am- 5:00pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas E. Denion can be reached on 571-272-4859. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

TT  
November 17, 2005

  
Theresa Trieu  
Primary Examiner  
Art Unit 3748